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Attorneys for Defendants OppenheimerFunds, Inc., OppenheimerFunds  
Distributor, Inc., and OFI Private Investments Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

THE STATE OF OREGON, by and through  
the OREGON 529 COLLEGE SAVING  
BOARD AND THE OREGON STATE  
TREASURER on behalf of the OREGON  
COLLEGE SAVINGS PLAN TRUST,

Plaintiff,

v.

OPPENHEIMERFUNDS, INC., a Colorado  
corporation; OPPENHEIMERFUNDS  
DISTRIBUTOR, INC., a New York  
corporation; and OFI PRIVATE  
INVESTMENTS INC., a New York  
corporation,

Defendants.

Case No. 09-CV-06135-HO

**DEFENDANTS' MOTION TO  
DISMISS**

**(ORAL ARGUMENT REQUESTED)**

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(1)(A)**

Counsel for Defendants OppenheimerFunds, Inc., OppenheimerFunds Distributor, Inc.,  
and OFI Private Investments Inc. ("Defendants") certify that they have conferred in good faith  
with counsel for Plaintiffs, but were unable to resolve the issues raised by this motion.

**MOTION**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 15 U.S.C. §§ 77p and 78bb(f), Defendants hereby move this Court for an order dismissing the Complaint. This Motion is supported by the Memorandum in Support of Defendants' Motion to Dismiss, the Affidavit of Barnes H. Ellis in Support of Defendants' Motion to Dismiss and attached Exhibits, and Defendants' Request for Judicial Notice Related to Motion to Dismiss.

Defendants respectfully request oral argument on this motion.

DATED: May 26, 2009

STOEL RIVES LLP

/s/ Barnes H. Ellis

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Inc., OppenheimerFunds Distributor, Inc., and  
OFI Private Investments Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANTS' MOTION TO DISMISS**  
on the following named person(s) on the date indicated below by

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☐ email
- ☒ notice of electronic filing using the Cm/ECF system

to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s)  
at his or her last-known address(es) indicated below.

Keith S. Dubanevich  
Fredrick M. Boss  
Simon Whang  
Oregon Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096

Keith A. Ketterling  
Scott A. Shorr  
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209 SW Oak Street, 5th Floor  
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DATED: May 26, 2009.

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/s/ Barnes H. Ellis

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